

AMENDED IN SENATE AUGUST 4, 2014

AMENDED IN SENATE AUGUST 12, 2013

AMENDED IN SENATE JUNE 18, 2013

AMENDED IN ASSEMBLY MAY 24, 2013

AMENDED IN ASSEMBLY MAY 7, 2013

CALIFORNIA LEGISLATURE—2013–14 REGULAR SESSION

---

---

**ASSEMBLY BILL**

**No. 1171**

**Introduced by Assembly Member Levine**

February 22, 2013

---

---

An act to add and repeal Section 16521.6 of the Welfare and Institutions Code, relating to child welfare services.

LEGISLATIVE COUNSEL'S DIGEST

AB 1171, as amended, Levine. Child welfare services: electronic records.

Existing law requires a foster care provider, in consultation with the county case manager, to be responsible for ensuring that a foster youth or nonminor dependent is provided with appropriate referrals to health services when the foster youth either reaches 18 years of age or the nonminor dependent exits foster care, and to the extent county and state resources are provided.

This bill would authorize, no later than ~~July 1, 2014~~, *January 1, 2016*, a county to develop and implement a voluntary *3 county* pilot program to provide a foster youth, 16 years of age or older, or a nonminor dependent, as defined, upon his or her request, or upon his or her emancipation from, or termination of, dependency or probation, the

opportunity to create his or her own singular online electronic record of necessary information and documents, including, but not limited to, medical or health records, a copy of his or her certified birth certificate, and a copy of his or her social security card, to assist him or her in the transition to adulthood. The bill would authorize the pilot program to be developed and implemented only if there are 3 ~~or more~~ participating counties and would authorize the participating counties, in order to reduce costs, to use existing online electronic systems for purposes of the pilot program. The bill would require the online electronic record to allow the foster youth or nonminor dependent to view, download, upload, and transmit the information and documents. The bill would require a social worker or other representative of the county welfare department, or a probation officer or other representative of the probation department, as appropriate, or another authorized representative as designated by the county or the court to assist the foster youth or nonminor dependent with establishing the electronic record and obtaining the information and electronic copies of the documents.

This bill would require the participating counties, in consultation with the State Department of Social Services, to submit a report to the Assembly and Senate Human Services Committees no later than December 1, ~~2016~~, 2018, evaluating the pilot program and providing recommendations as to whether it should be extended, expanded, or made permanent.

The bill's provisions would be implemented only if the Director of Finance makes a written determination that there are sufficient funds available from sources other than the General Fund for this purpose. The bill's provisions ~~would become inoperative on January 1, 2018,~~ and would be repealed as of January 1, ~~2019~~: 2020.

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

- 1 SECTION 1. Section 16521.6 is added to the Welfare and
- 2 Institutions Code, to read:
- 3 16521.6. (a) No later than ~~July 1, 2014~~, January 1, 2016, a
- 4 county may develop and implement a voluntary *three county* pilot
- 5 program for a period of three years to provide a foster youth, who
- 6 is 16 years of age or older, or a nonminor dependent, as defined

1 in subdivision (v) of Section 11400, upon his or her request, or  
2 upon his or her emancipation from, or termination of, dependency  
3 or probation, the opportunity to create his or her own singular  
4 online electronic record containing necessary information and  
5 documents for purposes of assisting the foster youth or nonminor  
6 dependent in creating, maintaining, managing, and having access  
7 to that information and those documents and to assist in his or her  
8 transition to adulthood. The department shall determine which  
9 counties are authorized to participate in the pilot program to ensure  
10 that those counties represent the socioeconomic and geographic  
11 diversity of the state. The pilot program may be developed and  
12 implemented only if there are three ~~or more~~ counties participating  
13 in the pilot program. In order to reduce costs, the participating  
14 counties, in consultation with the department, may use existing  
15 online electronic systems for purposes of the pilot program.

16 (b) The online electronic record shall allow the foster youth or  
17 nonminor dependent to view, download, upload, and transmit, as  
18 appropriate, necessary information and documents.

19 (c) A social worker or other representative of the county welfare  
20 department, or a probation officer or other representative of the  
21 probation department, as appropriate, or another authorized  
22 representative as designated by the county or the court shall assist  
23 the foster youth or nonminor dependent with establishing the  
24 electronic record and obtaining information and electronic copies  
25 of his or her documents for the purposes of this pilot program, and  
26 training the foster youth or nonminor dependent in the use,  
27 maintenance, and protection of the record.

28 (d) Documents and information included in the online electronic  
29 record shall include, but are not limited to, all of the following:

30 (1) Medical or health records, including up-to-date health  
31 records that include, but are not limited to, diagnoses, allergies,  
32 test results, immunizations, and medications as permitted by the  
33 Health Insurance Portability and Accountability Act of 1996  
34 (Public Law 104-191).

35 (2) Copy of his or her certified birth certificate.

36 (3) Copy of his or her social security card.

37 (4) Letter proving the foster youth or nonminor dependent was  
38 a ward or dependent of the court.

39 (5) Special immigrant juvenile status, if applicable.

(6) Educational records, as permitted by state pupil privacy laws and the federal Family Educational Rights and Privacy Act of 1974 (20 U.S.C. Sec. 1232g), which shall include a copy of his or her official high school transcript and high school diploma or high school equivalency certificate, if applicable.

(7) Copy of his or her driver's license, as described in Section 12500 of the Vehicle Code, or identification card, as described in Section 13000 of the Vehicle Code.

(8) Background and contact information of siblings and other family members, as appropriate, and as permitted by court order pursuant to federal and state law.

(9) Application to seal juvenile court records.

(10) Copy of his or her transitional independent living case plan, if applicable.

(11) Any additional records as determined necessary by the participating counties, in consultation with the director.

(e) Access to the electronic record shall be limited to the foster youth or nonminor dependent and any individual whom he or she authorizes to access the record.

(f) Any necessary efforts to provide for the security of the electronic record, including online security protocols, shall be taken to protect the privacy of the foster youth or nonminor dependent as determined by the participating counties, in consultation with the director.

(g) The department, in consultation with the Office of Systems Integration, the California Child Welfare Council, and other appropriate state agencies, shall seek guidance on interagency protocols, technical specifications, and information in order to assist the counties as they establish electronic records.

*(h) The participating counties shall submit to the department a fiscal analysis and recommendations for the interoperability of the pilot program with the Child Welfare Services-New System.*

~~(h)-(1)~~

(i) The participating counties, in consultation with the department, shall submit a report to the Assembly and Senate Human Services Committees no later than December 1, 2016, 2018, evaluating the pilot program and providing recommendations as to whether it should be extended, expanded, or made permanent.

1     ~~(2) The requirement for submitting a report imposed under this~~  
2     ~~subdivision is inoperative on January 1, 2018, pursuant to Section~~  
3     ~~10231.5 of the Government Code.~~

4     ~~(i)~~

5     ~~(j) This section shall be implemented only if the Director of~~  
6     ~~Finance makes a written determination that there are sufficient~~  
7     ~~funds available from sources other than the General Fund for this~~  
8     ~~purpose.~~

9     ~~(j) This section shall become inoperative on January 1,~~  
10    ~~2018, and, as of January 1, 2019, is repealed, unless a later enacted~~  
11    ~~statute, that becomes operative on or before January 1, 2019, deletes~~  
12    ~~or extends the dates on which it becomes inoperative and is~~  
13    ~~repealed.~~

14    ~~(k) This section shall remain in effect only until January 1, 2020,~~  
15    ~~and as of that date is repealed, unless a later enacted statute, that~~  
16    ~~is enacted before January 1, 2020, deletes or extends that date.~~